

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:16-cv-00477-MOC

LAMAR REDFERN,)	
)	
Petitioner,)	
)	
Vs.)	<u>JOHNSON ORDER DISMISSING</u>
)	<u>PETITION AS SUCCESSIVE</u>
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

THIS MATTER is before the court on initial review of the pro se Motion to Vacate, Set Aside or Correct Sentence (#1). Petitioner explains that his § 2255 motion is based on the Supreme Court's holding in Johnson v. United States, 135 S. Ct. 2551 (2015) and contends it is timely.

Review of the court's docket, however, reveals that this is an unauthorized Second or Successive petition, and that petitioner's Motion for Authorization filed with the Court of Appeals for the Fourth Circuit was denied. See In re: Lamar Redfern, No. 16-9029 (4th Cir. June 15, 2016). The petition with, therefore, be summarily dismissed.

ORDER

IT IS, THEREFORE, ORDERED that the Motion to Vacate, Set Aside or Correct Sentence (#1) is DISMISSED as an unauthorized second or successive petition.

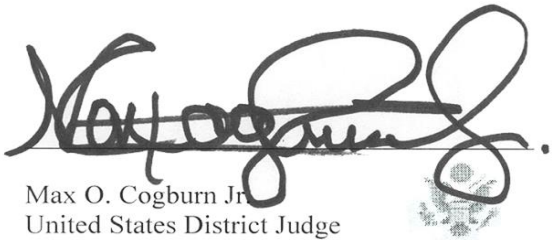
DENIAL OF CERTIFICATE OF APPEALABILITY

Pursuant to Rule 11(a) of the Rules Governing Section 2255 Cases, this court declines to issue a certificate of appealability as petitioner has not made a substantial showing of a denial of a

constitutional right. 28 U.S.C. § 2253(c)(2); Miller -El v. Cockrell, 537 U.S. 322, 336-38 (2003) (in order to satisfy § 2253(c), a petitioner must demonstrate that reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong); Slack v. McDaniel, 529 U.S. 473, 484–85 (2000) (in order to satisfy § 2253(c) when court denies relief on procedural grounds, a petitioner must demonstrate both that the dispositive procedural ruling is debatable, and that the petition states a debatable claim of the denial of a constitutional right).

The Clerk of Court is instructed to send a courtesy copy of this Order to the Community Defender.

Signed: June 24, 2016



Max O. Cogburn Jr.
United States District Judge